



Crl.O.P.(MD)No.22691 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22691 of 2024

Anbalagan

... Petitioner

Vs.

The State of Tamil Nau Rep. by

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
Musiri, Musiri Taluk,
Trichy District.

3.The Inspector of Police,
Thootiyam Police Station,
Trichy District.

4.Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the respondents No.1 to 3 to give necessary police protection for life and limb of the petitioner and his property on the basis of the petitioner's representation, dated 01.12.2024.

For Petitioner : Mr.A.Joel Paul Antony



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For R1 to R3

: Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to give necessary police protection for the life and limb of the petitioner and his property on the basis of the petitioner's representation, dated 01.12.2024.

2.The petitioner had some property at Thottiyam in S.No.406/34 measuring to an extent of 739½ sq.ft and he is in possession of the property. In the said property, there is a medical shop and electronic service center. The fourth respondent is the neighbor of the petitioner. Both have a common pavement. The petitioner met with an accident on 02.02.2024 and took treatment for six months. Thereafter, when the petitioner went to visit his property, he found that the fourth respondent had encroached and demolished the petitioner's property and he made arrangements to put upstairs in the common pavement. When the same was questioned by the petitioner, the fourth respondent threatened the



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petitioner, abused him in filthy language and also gave a life threat to him. In this regard, the petitioner made a complaint on 28.09.2024 and also approached the revenue officials to survey the petitioner's property and at that time, the fourth respondent accepted to remove the said arrangements made by him. Thereafter, the fourth respondent continued to threaten the petitioner. Again on 12.11.2024, the petitioner made a complaint to the third respondent. Based on the complaint, CSR No.809 of 2024 has been assigned on 19.11.2024. Thereafter, no action has been taken. Hence, he is left with no other options and has filed this present petition seeking necessary police protection for his life and limb of the petitioner's property.

3.The learned Government Advocate (Crl. side) would submit that based on the complaint of the petitioner in CSR No.809 of 2024, the petitioner and the fourth respondent were called for enquiry on 21.12.2024. In the enquiry, the fourth respondent gave a letter that he would like to construct the toilet on his land and since the petitioner had objected to construction of the toilet, the work was stopped and within one week, he would make arrangements by paying the necessary fees for



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surveying the land and thereafter, he would construct the toilet in the allotted land. Recording the same, the complaint has been closed.

4.It is seen that the fourth respondent is in the habit of making an undertaking before the officials and the police personnel and thereafter, makes a turnaround and threatened the petitioner continuously. The petitioner is holding a small piece of land and having shops, which are a source of income. Since the fourth respondent is continuing to threaten the petitioner, he is fearing for his life and limb of the petitioner and his property.

5.In view of the same, the closure report in CSR No.809 of 2024 of the third respondent is set aside. The third respondent is directed to submit all the papers pertaining to CSR No.809 of 2024 to the file of the second respondent. Thereafter, the second respondent is directed to conduct enquiry on the basis of the complaint given by the petitioner in CSR No.809 of 2024 and take appropriate action against the fourth respondent, ensuring the petitioner's safety, security and also the peaceful enjoyment of the property. This direction is necessitated, since it is seen



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that earlier there was an inspection by the surveyor on 23.09.2024 with clear marking of boundaries, at that time, the petitioner and the fourth respondent were also present. Likewise, on 03.12.2024, notice was issued and survey was conducted on 10.12.2024. Thereafter, again giving such an undertaking is nothing but a device to deflect the issue.

6. With the above directions, this Criminal Original Petition stands disposed of.

NCC : Yes / No
Index : Yes / No
sji

02.01.2025

To

1. The Superintendent of Police,
Trichy District, Trichy.
2. The Deputy Superintendent of Police,
Musiri, Musiri Taluk,
Trichy District.
3. The Inspector of Police,
Thootiyam Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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